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15 UNITED STATES DISTRICT COURT  
16 CENTRAL DISTRICT OF CALIFORNIA

17 IN RE NEW CENTURY ) Consolid. Case No. 2:07-cv-00931-DDP  
18 ) (FMOx)  
19 ) Assigned to: Hon. Dean D. Pregerson  
20 )  
21 ) **DEFENDANT KPMG LLP'S**  
22 ) **REQUEST FOR CASE**  
23 ) **MANAGEMENT CONFERENCE**  
24 )  
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1 Defendant KPMG LLP (“KPMG”) respectfully requests that this Court  
2 hold a Rule 16 pre-trial scheduling conference on February 22, 2010 at 3:30 pm., or as  
3 soon thereafter as is convenient for the Court, to address issues relating to scheduling  
4 in the above-captioned matter.

5 This is a complex federal securities class action in which plaintiffs have  
6 filed a 569-page Second Amended Consolidated Class Action Complaint (inclusive of  
7 exhibits) against twenty-two (22) defendants. Because the parties have been engaged  
8 in protracted mediation efforts, this Court has not yet held a Scheduling Conference  
9 pursuant to Fed. R. Civ. Pro. 16(a). Although the parties continue to mediate, there  
10 has been no resolution yet, and the litigation remains ongoing. For example, the  
11 parties have served and responded to requests to produce documents, and, to date, the  
12 parties, as well as various third parties, have produced more than eleven million  
13 (11,000,000) pages of documents. In addition, KPMG now has filed (concurrently  
14 herewith) its Motion for Summary Judgment on the narrow but dispositive grounds  
15 that plaintiffs cannot, as a matter of law, establish loss causation.

16 Because the parties have not yet appeared before the Court for case  
17 management and because discovery and motion practice are proceeding, the Court’s  
18 guidance and control are necessary with respect to scheduling and other case  
19 management issues, including, among other things, the ordering of discovery, the  
20 scope of discovery respecting KPMG’s Motion for Summary Judgment, dates related  
21 to class certification briefing, and a trial date. *See* Fed. R. Civ. Pro. 16(a). As this  
22 Court has recognized, judicial oversight over this matter is important to the efficient  
23 progress of the case. *See* Dkt. 333, Order Denying Defendants’ Motions to Dismiss  
24 and Denying Motion to Strike (Dec. 3, 2008) (denying KPMG’s motion to dismiss on  
25 loss causation grounds but noting that the “Court may consider alternative  
26 mechanisms, in addition to the regular noticed motion process, to resolve issues in this  
27 case in a manner that streamlines arguments, avoids overlap, and conserves judicial  
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resources”). Accordingly, KPMG requests that this Court hold a pre-trial scheduling conference pursuant to Fed. R. Civ. Pro. 16 to ensure that this litigation proceeds in the manner most efficient for the Court and the parties.<sup>1</sup>

Dated: January 13, 2010

Respectfully submitted,

/s/ Michael L. Rugen  
Attorneys for KPMG LLP

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<sup>1</sup> The parties started the Rule 26(f) meet and confer process but have not concluded their discussions. KPMG has proposed to plaintiffs that the parties resume the meet and confer pursuant to Rule 26(f) in an effort to agree to a proposed schedule, so that a report or reports respecting those efforts may be filed in advance of the Rule 16 conference.